

4672  
1 BILL NO. G-79-11-23

2 GENERAL ORDINANCE NO. G-

07-80

3 AN ORDINANCE amending General Ordinance  
4 No. G-97 by authorizing the vacation of  
a portion of Johnson Street.

5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,  
6 INDIANA:

7  
8 SECTION 1. Petition for the vacation of a certain street having  
9 been filed with the Fort Wayne City Plan Commission in accordance with  
10 Section 44, Chapter 174, of the Acts of the General Assembly of the State  
11 of Indiana, as amended by Section 3, Chapter 385, of the Acts of 1963 of  
12 the General Assembly of the State of Indiana (I.C. 18-7-5-46), the  
13 Thoroughfare Plan as set forth in General Ordinance No. G-97 adopted by  
14 the Common Council of the City of Fort Wayne on November 26, 1963, is  
15 amended by deleting the following street, to wit:

16 That portion of Johnson Street East of Catalpa Avenue  
to the Junk Ditch.

17 SECTION 2. After passage of this Ordinance, approval by the  
18 Mayor and legal publication, a duly certified copy of this Ordinance, of  
19 the recommendation of the Fort Wayne City Plan Commission, and of the  
20 action of the Mayor, shall be transmitted by the City Clerk to the Board  
21 of Public Works of the City of Fort Wayne, Indiana.

22 SECTION 3. That this Ordinance shall be in full force and effect  
23 from and after its passage, approval by the Mayor and legal publication  
24 thereof.

25   
Councilman

26  
27  
28  
29  
30 APPROVED AS TO  
FORM & LEGALITY

31   
32 William N. Salin, City Attorney

Read the first time in full and on motion by \_\_\_\_\_, seconded by \_\_\_\_\_, and duly adopted, read the second time by title and referred to the Committee \_\_\_\_\_ (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: \_\_\_\_\_

CHARLES W. WESTERMAN  
CITY CLERK

Read the third time in full and on motion by E. Schmidt, seconded by Stier, and duly adopted, placed on its passage. PASSED (~~REST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHOMBURG</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 4-8-80

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ZONING MAP) (GENERAL) (~~ANNEXATION~~) (SPECIAL) (APPROPRIATION) ORDINANCE (RESOLUTION) No. 2-07-80 on the 8th day of April, 1980.

Charles W. Westerman ATTEST:  
CHARLES W. WESTERMAN - CITY CLERK

(SEAL)  
Vivian G. Schmidt  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of April, 1980, at the hour of 11:30 o'clock A M., E.S.T.

Charles W. Westerman  
CHARLES W. WESTERMAN - CITY CLERK

Approved and signed by me this 9th day of April 1980, at the hour of 4 o'clock P M., E.S.T.

Winfield C. Moses, Jr.  
WINFIELD C. MOSES, JR.  
MAYOR

Read the first time in full and on motion by Nuckols, seconded by

Selauer, and duly adopted, read the second time by title and referred to the Committee on Regulation (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 11-13-79

Charles W. Hartman  
CITY CLERK

Read the third time in full and on motion by E. Smith

seconded by Stier, and duly adopted, placed on its passage.

PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>HINGA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HUNTER</u>	<u>✓</u>	_____	_____	_____	_____
<u>MOSES</u>	<u>✓</u>	_____	_____	_____	_____
<u>NUCKOLS</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, D.</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT, V.</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 4-8-80

\_\_\_\_\_  
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as

(ZONING MAP) (GENERAL) (~~ANNEXATION~~) (~~SPECIAL~~) (~~APPROPRIATION~~) ORDINANCE

(RESOLUTION) No. \_\_\_\_\_ on the 8th day of April, 1980.  
ATTEST: (SEAL)

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th

day of April, 1980, at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
CITY CLERK

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

\_\_\_\_\_  
MAYOR

BILL NO. G-79-11-23

REPORT OF THE COMMITTEE ON REGULATIONS

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS REFERRED AN  
ORDINANCE amending General Ordinance No. G-97 by authorizing the  
vacation of a portion of Johnson Street

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT  
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE DO PASS.

BEN EISBART, CHAIRMAN

JOHN NUCKOLS, VICE CHAIRMAN

JAMES S. STIER

SAMUEL J. TALARICO

DONALD J. SCHMIDT

*Don Eisbart*

*John Nuckols*

*James S. Stier*

*Samuel J. Talarico*

*D. Schmidt*

*1/8-80*  
DATE 1/8-80 BY JOHN NUCKOLS, CITY CLERK

68-231-10  
3/19/80

WHEREAS, THE FORT WAYNE COMMUNITY SCHOOLS have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street situated in Fort Wayne, Allen County, to-wit:

That portion of Johnson Street East of Catalpa Avenue  
to the Junk Ditch.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of the General Assembly of the State of Indiana, Indiana Code Section 18-7-5-46; and,

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.

BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street hereinbefore described be and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

STATE OF INDIANA )  
COUNTY OF ALLEN ) SS:

I, Mark L. Akers Chairman of the Board of Public Works, do hereby certify that attached hereto is a full, true and correct copy of a resolution adopted by the Fort Wayne Board of Works at their meeting held March 19 1980 and as same appears of record in the official records of said Board of Public Works.

DATED THIS 19 DAY OF March 19 80

FORT WAYNE BOARD OF PUBLIC WORKS

Mark L. Akers  
Mark L. Akers, Chairman

Herbert R. Gamache  
Herbert R. Gamache, Member

Roberta Anderson-Staton  
Roberta Anderson-Staton, Member

RESOLUTION

WHEREAS, THE FORT WAYNE COMMUNITY SCHOOLS have petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing upon the vacation of the following public street in Fort Wayne, Allen County, to-wit:

That portion of Johnson Street East of Catalpa  
Avenue to the Junk Ditch

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1974, of the General Assembly of the State of Indiana, as amended by Section 3, Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 18-7-5-46.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on December 10, 1979 at 3:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street.

WHEREAS, said vacation of the street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of the street in Allen County, Indiana.

STATE OF INDIANA }  
COUNTY OF ALLEN } SS:

I, Joyce Schlatter, Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission December 17, 1979, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 6th DAY OF March 19 80

FORT WAYNE CITY PLAN COMMISSION

*Joyce Schlatter*

Joyce Schlatter  
Secretary

PETITION TO VACATE STREET

TO: THE CITY PLAN COMMISSION  
CITY OF FORT WAYNE, INDIANA

The undersigned Petitioner, Fort Wayne Community Schools, an Indiana school corporation, does hereby respectfully petition the Fort Wayne City Plan Commission to vacate the following public street, within the City of Fort Wayne, Indiana, and hereby described as follows:

That portion of Johnson Street East of Catalpa Avenue to the Junk Ditch, more particularly described and shown on attached Exhibit "A."

In support thereof, your Petitioner would represent as follows:

1. That it is the owner of the real estate abutting both sides of the portion of the street to be vacated.
2. That no other person, firm, or corporation is interested in or affected by the requested vacation.
3. That the maintenance of said street is not necessary or advantageous to the growth of the City of Fort Wayne, and that said vacation would be in the best interest of the City and the citizens thereof.

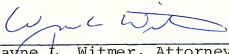
Your Petitioner files this petition pursuant to authority granted in Indiana Code, Section 18-7-5-46, in order to complete the vacation as above described.

WHEREFORE, your Petitioner prays that the above described street be vacated according to the provisions of Indiana Law pertaining thereto.

DATED THIS 13TH DAY OF September, 1979.

FORT WAYNE COMMUNITY SCHOOLS  
1230 South Clinton Street  
Fort Wayne, Indiana 46802

By

  
Wayne L. Witmer, Attorney  
395 Lincoln Bank Tower  
Fort Wayne, Indiana 46802  
Telephone: (219) 423-9551







GRANT OF EASEMENT

Fort Wayne Community Schools, an Indiana School Corporation, in consideration of the sum of One Dollar (\$1.00) and other valuable consideration, the receipt of which is hereby acknowledged, does hereby grant to the City of Fort Wayne, Indiana and Michigan Electric Company, and Citizens Cable of Fort Wayne, Inc., an easement for the construction, operation and maintenance of utility lines and facilities in, over, upon, and across the following described real estate of the Grantor in the City of Fort Wayne, Allen County, Indiana:

The north fourteen (14) feet of Johnson Street east of Catalpa Street to the Junk Ditch, said portion of Johnson Street to be vacated by Bill No. G-79-11-23, as shown on Exhibit "A" attached hereto.

IN WITNESS WHEREOF, the Grantor has executed this instrument on the 18th day of January, 1980.

FORT WAYNE COMMUNITY SCHOOLS,  
an Indiana School Corporation

By Shirley A. Weissert  
SHIRLEY A. WEISSERT, President

ATTEST:

Sharon S. Michael  
SHARON S. MICHAEL, Secretary

STATE OF INDIANA     )  
                              ) Ss.  
COUNTY OF ALLEN     )

Before me, a notary public for this county and state, personally appeared Shirley A. Weissert and Sharon S. Michael, known to me to be the President and Secretary, respectively, of Fort Wayne Community Schools, an Indiana School Corporation, and acknowledged their execution of this instrument by due and regular corporate authority as the free act and deed of said corporation.

E. Jean Brumbaugh  
Notary Public  
E. Jean Brumbaugh

My Commission Expires: 12-26-81

County of Residence: Allen

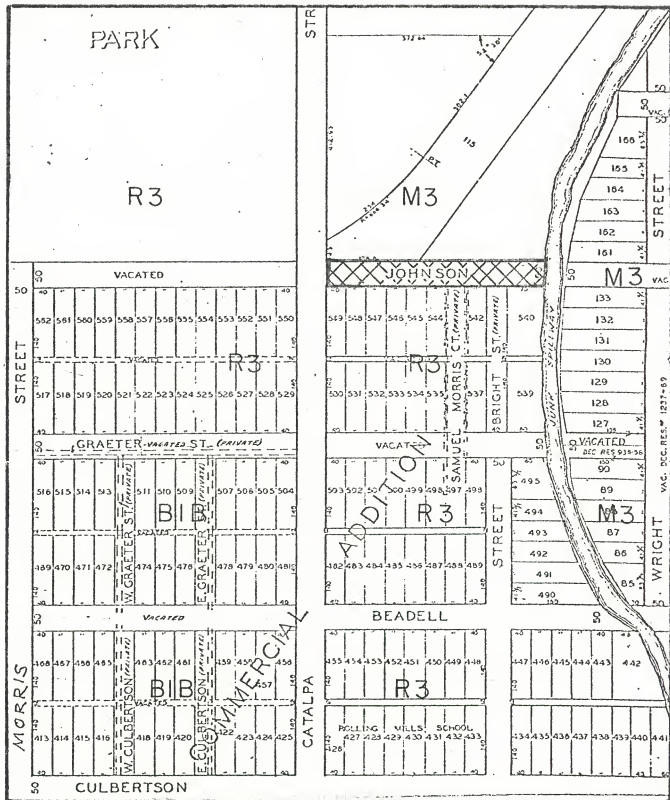
This Instant Prepared by Wayne L. Witmer, Attorney at Law

## RECEIPT

Date 13 Sept 19 79 No. 10855Received From Barnett, Kenneth McRaeAddress 3rd floor Lincoln Bankone hundred fifty Dollars \$ 150.00For 3 - alley vacations

ACCOUNT			HOW PAID			By <u>[Signature]</u>
AMT. OF ACCOUNT			CASH			
AMT. PAID			CHECK	<input checked="" type="checkbox"/>		
BALANCE DUE			MONEY ORDER			

OK  
38972



PERFECT TO AN "R-3"



## DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment3-80-02-05DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&PSYNOPSIS OF ORDINANCE Lot #11 & S 10' of Lot #8 in P. Moran's Subdivision ofHanna's Outlots 18 & 19, commonly known as 2416 Weisser Park; and, Lot #14 and theN ½ of vacated alley adjacent to Lot #14 in P. Moran's Subdivision, commonly knownas 2412 Weisser Park, Fort Wayne, IN.

EFFECT OF PASSAGE Property is now zoned R-3 - Multiple Family Residential.  
Property will become B-1-A - Limited Business.

EFFECT OF NON-PASSAGE Property will remain R-3 - Multiple Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) \_\_\_\_\_

ASSIGNED TO COMMITTEE (J.N.) \_\_\_\_\_



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

26 March 1980

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Schmidt:

Attached hereto is a copy of a resolution pertaining to one (1) zoning ordinance amendment acted upon by the City Plan Commission at their regular meeting held March 24, 1980. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. Z-80-02-05
2. From R-3 to B-1-A
3. Intended Use: Grocery Store (neighborhood)
4. Plan Commission Recommendation: DO NOT PASS

This ordinance received a DO NOT PASS recommendation for the following reasons:

- a. This request is spot zoning.
- b. The intended use as presented at the public hearing was a grocery and candy store. There are two neighborhood grocery stores within 1½ blocks of this property on Pontiac Street.
- c. The rezoning does not conform to the Hanna-Creighton Neighborhood Plan as approved by the Commission.

If there are any questions with regard to this ordinance, please feel free to call on us.

Respectfully submitted,

COMMUNITY DEVELOPMENT AND PLANNING

Gary F. Baeten  
Senior Planner

GFB:pb